

REMARKS/ARGUMENTS

The Examiner is requiring an election of a single species.

The species are as follows:

Different ways to transform elemental sulfur into sulfane are presented:

- i) first specie- by directed reaction of sulfur and hydrogen sulfide (claim 2);
- ii) second specie- sulfur reacts with Cl_2 first, then further reacts with hydrogen sulfide to generate sulfane(claim5).

Applicants provisionally elect for examination purposes only, with traverse, Species I - direct reaction of sulfur and hydrogen sulfide, for examination (encompassing at least Claims 1-4, 6-10).

The Examiner asserts that: "The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT 13.2, the species lack the same or corresponding special technical features for the following reasons: there is no overlapping between these two methods-sulfane could be produced by either method where each method has materially different design and effect;"

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed. MPEP § 808.01(a). The Office has not provided any reasons or examples to support a conclusion that the species lack the same or corresponding special technical features. Accordingly, Applicants respectfully submit that the restriction is improper, and Applicants' election of species is for examination purposes only.

Applicants submit that the Examiner has not shown that an examination of all of the present claims can be made without serious burden placed on the Examiner. Applicants further submit that the Examiner has failed to meet the burden necessary in order to sustain the

requirement for restriction. Therefore, Applicants request that the requirement for restriction be withdrawn and that all of the present claims be examined on the merits.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

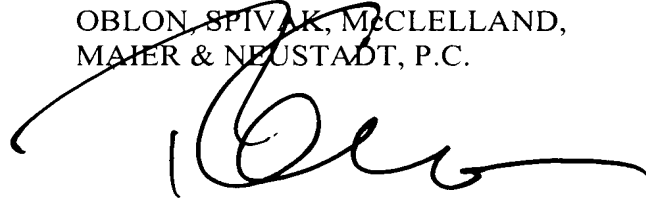
Respectfully Submitted,

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